

AMENDED IN SENATE MAY 12, 2005  
AMENDED IN SENATE APRIL 26, 2005  
AMENDED IN SENATE APRIL 14, 2005  
AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 1024**

---

**Introduced by Senators Perata and Torlakson**  
**(Principal coauthor: Senator Soto coauthors: Senators Migden,**  
**Murray, and Soto)**  
**(Coauthors: Senators Kehoe and Lowenthal Alquist, Kehoe,**  
**Lowenthal, and Machado)**

February 22, 2005

---

An act to add Chapter 12.49 (commencing with Section 8879.20) to Division 1 of Title 2 of the Government Code, relating to public works and improvements by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1024, as amended, Perata. Public works and improvements: bond measure.

(1) Existing law sets forth a funding plan for the seismic retrofit or replacement of certain state-owned toll bridges by the Department of Transportation. Existing law, pursuant to Proposition 192 of 1996, provides \$2 billion in voter-approved general obligation bond funds for state highway and toll bridge seismic work.

This bill would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005 to authorize \$7,688,000,000 in state

general obligation bonds for specified purposes, including the seismic retrofit of toll bridges, levee improvements, restoration of Proposition 42 transportation funds, port infrastructure and security projects, trade corridors of significance, emissions reduction projects, environmental enhancement projects, and transportation needs in cities, counties, and cities and counties that meet certain requirements relative to provisions of housing needs in their communities, subject to voter approval.

This bill would require the Secretary of State to submit the proposed bond measure to the voters at the June 6, 2006, election.

This bill would require the Department of Transportation to report on its expenditure of toll bridge funds and would authorize the department to use bond funds to reimburse other state transportation accounts for costs associated with a rebid of the contract to construct the replacement east span of the San Francisco-Oakland Bay Bridge. The bill would enact other related provisions.

(2) This bill would declare that it is to take effect immediately as an urgency measure.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 12.49 (commencing with Section  
2 8879.20) is added to Division 1 of Title 2 of the Government  
3 Code, to read:

4  
5 CHAPTER 12.49. THE SAFE FACILITIES, IMPROVED MOBILITY,  
6 AND CLEAN AIR BOND ACT OF 2005

7  
8 Article 1. General Provisions

9  
10 8879.20. (a) This chapter shall be known as the Safe  
11 Facilities, Improved Mobility, and Clean Air Bond Act of 2005.

12 (b) This chapter shall only become operative upon adoption by  
13 the voters at the June 6, 2006, election.

14 8879.21. (a) The Legislature finds and declares that the  
15 completion of seismic safety retrofit work on state-owned toll  
16 bridges is essential to the welfare and economy of the state.

1 (b) A purpose of this bond act is to pay for the completion of  
2 the state Toll Bridge Seismic Safety Retrofit Program (TBSSRP)  
3 as expeditiously as possible.

4 (c) The Department of Transportation notified the Legislature  
5 on August 16, 2004, that the costs to complete the TBSSRP  
6 exceeded the authorized budget contained in Section 188.5 of the  
7 Streets and Highways Code by three billion two hundred twenty  
8 million dollars (\$3,220,000,000). The department now estimates  
9 the costs to complete the TBSSRP to be three billion five  
10 hundred thirty-eight million dollars (\$3,538,000,000).

11 (d) The expeditious completion of the TBSSRP is essential to  
12 the welfare and economy of the state and to the safety of the  
13 nearly 300,000 daily motorists who use the state-owned toll  
14 bridges requiring seismic retrofit work.

15 (e) The department shall take all actions necessary to proceed  
16 as expeditiously as possible to seismically retrofit the  
17 Richmond-San Rafael Bridge and to replace the eastern span of  
18 the San Francisco-Oakland Bay Bridge with a new, seismically  
19 safe structure, as described in paragraph (9) of subdivision (b) of  
20 Section 188.5 of the Streets and Highways Code.

21 (f) It was the original intent of the Legislature to fund the  
22 TBSSRP with the proceeds of bonds through the enactment of  
23 SB 146 (Chapter 310 of the Statutes of 1995), which placed  
24 Proposition 192 on the ballot in March, 1996. Proposition 192  
25 was overwhelmingly approved by the voters on March 26, 1996,  
26 but provided only a small fraction of the increased amount of  
27 funding required to complete the TBSSRP.

28 (g) It is the intent of the Legislature to fund one billion three  
29 hundred sixty-three million dollars (\$1,363,000,000) of the  
30 amount needed to complete the TBSSRP from the proceeds of  
31 bonds made available by this chapter upon approval by the voters  
32 at the June 6, 2006, election.

33 (h) The department shall report within 30 days of the end of  
34 each month to the Joint Legislative Budget Committee, the  
35 committees in each house of the Legislature that consider  
36 transportation issues, the Department of Finance, the California  
37 Transportation Commission, and the Bay Area Toll Authority  
38 (BATA) regarding the department's progress toward completion  
39 of the TBSSRP and the use of funds made available to it by this  
40 act.

1 (i) The Legislature intends, with the adoption of this chapter,  
2 to assist in meeting the state's obligation and duty to complete  
3 the TBSSRP without forcing the unprogramming of other  
4 transportation projects or the reallocation of transportation funds  
5 from other high-priority projects throughout the state.

6 (j) Proceeds made available under this act for TBSSRP  
7 purposes may be used by the department to reimburse state  
8 transportation accounts for funds utilized by the department to  
9 rebid the contract to construct the main span of the San  
10 Francisco-Oakland Bay Bridge consistent with paragraph (9) of  
11 subdivision (b) of Section 188.5 of the Streets and Highways  
12 Code.

13 (k) With respect to the completion of the TBSSRP, bond  
14 moneys from this act in the amount of one billion three hundred  
15 sixty-three million dollars (\$1,363,000,000) are to be used  
16 exclusively to pay for the costs that exceed those enumerated in  
17 Section 188.5 of the Streets and Highways Code to complete the  
18 retrofit of the Richmond-San Rafael Bridge and the replacement  
19 of the eastern span of the San Francisco-Oakland Bay Bridge as  
20 described in paragraph (9) of subdivision (b) of that section.

21 (l) Another purpose of this bond act is to provide funding for  
22 levee improvement and management. According to the  
23 Department of Water Resources, funding for those purposes have  
24 been reduced in recent years, and, as a result, it has been difficult  
25 to perform the necessary maintenance on the state's 1,600 miles  
26 of project levees. The department estimates that capital  
27 improvements costing two billion dollars (\$2,000,000,000) over  
28 10 to 15 years could provide a reliable flood control system. It is  
29 in the interest of public health and safety for the state to invest in  
30 the structural integrity of its levees, which protect more than  
31 500,000 people, two million acres of cultivated land, and 200,000  
32 structures with an estimated value of forty-seven billion dollars  
33 (\$47,000,000,000).

34 8879.22. As used in this chapter, the following terms have the  
35 following meanings:

36 (a) "Board" means any department receiving an allocation  
37 from the Department of Finance.

38 (b) "Committee" means the Safe Facilities, Improved  
39 Mobility, and Clean Air Finance Committee created pursuant to  
40 Section 8879.27.

1 (c) “Fund” means the Safe Facilities, Improved Mobility, and  
2 Clean Air Bond Fund of 2005 created pursuant to Section  
3 8879.23.

4  
5 Article 2. Safe Facilities, Improved Mobility, and Clean Air  
6 Bond Fund of 2005 and Program  
7

8 8879.23. The Safe Facilities, Improved Mobility, and Clean  
9 Air Bond Fund of 2005 is hereby created in the State Treasury.  
10 The proceeds of bonds issued and sold pursuant to this chapter  
11 for the purposes specified in this chapter are hereby appropriated,  
12 without regard to fiscal years, to the Department of Finance for  
13 allocation in the following manner:

14 (a) Two billion three hundred sixty-three million dollars  
15 (\$2,363,000,000) for safe facilities, to be deposited in the Safe  
16 Transportation Facilities Account, which is hereby created in the  
17 fund. The money in the account shall be available as follows:

18 (1) One billion three hundred sixty-three million dollars  
19 (\$1,363,000,000) for the completion of the state’s Toll Bridge  
20 Seismic Safety Retrofit Program (TBSSRP), pursuant to Section  
21 188.5 of the Streets and Highways Code, which includes the  
22 replacement of the San Francisco-Oakland Bay Bridge. Upon  
23 deposit, the money in the account shall be continuously  
24 appropriated to the Department of Transportation for those  
25 purposes.

26 (2) One billion dollars (\$1,000,000,000) shall be available to  
27 the Department of Water Resources for the inspection,  
28 evaluation, improvement, and strengthening of the state’s  
29 federally designated project levees. The funds shall be made  
30 available for levee improvements on a matching basis, with the  
31 share provided from these bond revenues to pay for no more than  
32 75 percent of a project’s costs, and with the remaining matching  
33 funds to be provided in the form of local or regional assessment  
34 fee revenues, other local funds, or any federal funds available for  
35 those purposes.

36 (b) Two billion three hundred million dollars (\$2,300,000,000)  
37 for restoration of Proposition 42 (Article XIX B) revenues, to be  
38 deposited in the Proposition 42 Repayment Account, which is  
39 hereby created in the fund. Money deposited in the account shall  
40 be used by the Controller, in lieu of moneys from the General

1 Fund, to meet the transfer obligations to the Transportation  
2 Deferred Investment Fund specified in Sections 7105 and 7106  
3 of the Revenue and Taxation Code as a result of suspending the  
4 transfer of moneys from the General Fund to the Transportation  
5 Investment Fund pursuant to Sections 14557.1 and 14558 of the  
6 Government Code with respect to the 2003-04 and 2004-05 fiscal  
7 years. Funds deposited in the Transportation Deferred Investment  
8 Fund shall be allocated as provided in Sections 7105 and 7106 of  
9 the Revenue and Taxation Code as those sections read on  
10 January 1, 2005.

11 (c) Two billion five hundred million dollars (\$2,500,000,000)  
12 to be deposited in the California Ports Infrastructure, Security,  
13 and Air Quality Improvement Account, which is hereby created  
14 in the fund. The money in the account shall be available as  
15 follows:

16 (1) Two billion dollars (\$2,000,000,000) shall be transferred to  
17 the Global Gateways Improvement Fund, which is hereby  
18 created. The money in this fund shall be available for allocation  
19 by the California Transportation Commission for infrastructure  
20 improvements along federally-designated "Trade Corridors of  
21 National Significance" in this state or along other corridors  
22 within this state that have a high volume of freight movement, as  
23 determined by the commission. Applicants for these funds shall  
24 provide matching funds from other revenues, in a percentage  
25 amount to be determined by the commission. In determining  
26 projects eligible for funding, the commission shall consult the  
27 Global Gateways Development Program report prepared by the  
28 Business, Transportation and Housing Agency pursuant to SCR  
29 96 (Resolution Chapter 158, Statutes of 2000). Eligible projects  
30 for these funds shall include all of the following:

31 (A) Highway capacity improvements and operational  
32 improvements to more efficiently accommodate the movement of  
33 freight, particularly for ingress and egress to and from the state's  
34 seaports, land ports of entry, and airports, and to relieve traffic  
35 congestion along major trade or goods movement corridors.

36 (B) Freight rail system improvements to enhance the ability to  
37 move goods from seaports, land ports of entry, and airports to  
38 warehousing and distribution centers throughout California,  
39 including projects that separate rail lines from highway traffic

1 and other projects that improve the efficiency and capacity of the  
2 rail freight system.

3 (C) Projects to enhance the capacity and efficiency of ports.

4 (2) Four hundred million dollars (\$400,000,000) shall be  
5 available for transfer to the Carl Moyer Memorial Air Quality  
6 Standards Attainment Trust Fund, created pursuant to Section  
7 44299 of the Health and Safety Code. Funds under this paragraph  
8 shall be available for allocation by the State Air Resources Board  
9 to reduce covered emissions from a covered source, as those  
10 terms are defined in paragraphs (5) and (7) of subdivision (a) of  
11 Section 44275 of the Health and Safety Code, relative to sources  
12 used primarily in the operations of ports in this state.

13 (3) One hundred million dollars (\$100,000,000) shall be  
14 available to the California Infrastructure and Economic  
15 Development Bank to be allocated, as grants, for port ~~and harbor,~~  
16 *harbor, and ferry terminal* security improvements. The money  
17 made available under this paragraph shall be continuously  
18 appropriated to the bank without regard to fiscal years. Eligible  
19 applicants shall be publicly owned ports ~~and harbors,~~ *harbors,*  
20 *and ferry boat and ferry terminal operators*, which may submit  
21 applications for the following types of projects:

22 (A) Video surveillance equipment.

23 (B) Explosives detection technology, including, but not  
24 limited to, X-ray devices.

25 (C) Cargo scanners.

26 (D) Radiation monitors.

27 (E) Thermal protective equipment.

28 (F) Site identification instruments capable of providing a  
29 fingerprint for a broad inventory of chemical agents.

30 (G) Other devices capable of detecting weapons of mass  
31 destruction using chemical, biological, or other similar  
32 substances.

33 (H) Other security equipment to assist in any of the following:

34 (i) Screening of incoming vessels and incoming or outbound  
35 cargo.

36 (ii) Monitoring the physical perimeters of harbors ~~and ports,~~  
37 *ports, and ferry terminals*.

38 (iii) Providing or augmenting onsite emergency response  
39 capability.

1 (I) Overweight cargo detection equipment, including, but not  
2 limited to, intermodal crane scales and truck weight scales.

3 (J) *Developing disaster preparedness or emergency response*  
4 *plans.*

5 (d) One hundred million dollars (\$100,000,000) to be  
6 deposited in the Transportation Project Enhancement and  
7 Mitigation Account, which is hereby created in the fund. The  
8 money in the account shall be available for transfer to the  
9 Environmental Enhancement and Mitigation Program Fund  
10 created pursuant to Section 164.56 of the Streets and Highways  
11 Code, for allocation to projects pursuant to that section.

12 (e) (1) Four hundred twenty-five million dollars  
13 (\$425,000,000) to be deposited in the Affordable Housing  
14 Incentive Program Account, which is hereby created in the fund.  
15 Funds shall be available, upon appropriation, to the California  
16 Transportation Commission for the purpose of providing  
17 transportation funding grants, upon application, to cities,  
18 counties, and cities and counties that meet a significant portion of  
19 their overall and affordable housing needs. In order to be eligible  
20 for funds pursuant to this subdivision, a city, county, or city and  
21 county shall meet all of the following criteria:

22 (A) The city, county, or city and county has adopted a revised  
23 housing element in accordance with Section 65588 that the  
24 Department of Housing and Community Development has  
25 determined pursuant to Section 65585 to be in substantial  
26 compliance with the requirements of Article 10.6 (commencing  
27 with Section 65580) of Chapter 3 of Division 1 of Title 7. For the  
28 purposes of this paragraph, an adopted housing element that has  
29 been self-certified pursuant to Section 65585.1 shall be deemed  
30 to have been approved by the department, unless a court finds  
31 that the jurisdiction's housing element does not substantially  
32 comply with that article.

33 (B) The city, county, or city and county has met, as  
34 determined by the Department of Housing and Community  
35 Development in accordance with the forms and definitions  
36 determined by the department pursuant to Section 65400, at least  
37 \_\_\_\_ percent of its annualized overall housing need during the  
38 preceding year or \_\_\_\_ percent of its three-year overall housing  
39 need over the preceding three years, as determined pursuant to  
40 Section 65584.



(C) The city, county, or city and county has met, as determined by the Department of Housing and Community Development in accordance with the forms and definitions determined by the department pursuant to Section 65400, at least \_\_\_\_ percent of its annualized housing need for each of the very low, low-, and moderate-income categories during the preceding year or \_\_\_\_ percent of its three-year housing need in each of the very low, low-, and moderate-income categories over the preceding three years, as determined pursuant to Section 65584.

(2) The Department of Housing and Community Development shall report annually to the California Transportation Commission a list of cities, counties, or cities and counties that have met the requirements of paragraph (1).

(3) The California Transportation Commission shall award funds available under this section over a five-year period.

(4) Funds awarded pursuant to this section shall be used for improvements to neighborhood streets and roads. Improvements, as used in this paragraph, mean those activities described in subdivision (e) of Section 7104 of the Revenue and Taxation Code.

8879.24. (a) The Department of Transportation shall only use funds specified in subdivision (a) of Section 8879.23 for seismic retrofit of state-owned toll bridges and bridges in augmentation of the funds identified in Section 188.5 of the Streets and Highways Code.

(b) The Director of Finance shall provide written notification to the Chair of the Joint Legislative Budget Committee of the date when the proceeds of the Safe Transportation Facilities Account that are available for purposes of paragraph (1) of subdivision (a) of Section 8879.23 have been fully expended for the purposes specified in subdivision (a).

### Article 3. Fiscal Provisions

8879.25. Bonds in the total amount of seven billion six hundred eighty-eight million dollars (\$7,688,000,000), exclusive of refunding bonds, or so much thereof as is necessary, are hereby authorized to be issued and sold for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section

1 16724.5. All bonds herein authorized which have been duly sold  
2 and delivered as provided herein shall constitute valid and legally  
3 binding general obligations of the state, and the full faith and  
4 credit of the state is hereby pledged for the punctual payment of  
5 both principal and interest thereof.

6 8879.26. The bonds authorized by this chapter shall be  
7 prepared, executed, issued, sold, paid, and redeemed as provided  
8 in the State General Obligation Bond Law (Chapter 4  
9 (commencing with Section 16720) of Part 3 of Division 4),  
10 except Section 16727, and all of the other provisions of that law  
11 as amended from time to time apply to the bonds and to this  
12 chapter and are hereby incorporated in this chapter as though set  
13 forth in full in this chapter.

14 8879.27. (a) Solely for the purpose of authorizing the  
15 issuance and sale, pursuant to the State General Obligation Bond  
16 Law, of the bonds authorized by this chapter, the Safe Facilities,  
17 Improved Mobility, and Clean Air Finance Committee is hereby  
18 created. For the purposes of this chapter, the Safe Facilities,  
19 Improved Mobility, and Clean Air Finance Committee is “the  
20 committee” as that term is used in the State General Obligation  
21 Bond Law. The committee consists of the Treasurer, the  
22 Controller, the Director of Finance, and the Secretary of the  
23 Business, Transportation and Housing Agency, or a designated  
24 representative of each of those officials. The Treasurer shall  
25 serve as the chairperson of the committee. A majority of the  
26 committee may act for the committee.

27 (b) The committee may adopt guidelines establishing  
28 requirements for administration of its financing programs to the  
29 extent necessary to protect the validity of, and tax exemption for,  
30 interest on the bonds. The guidelines shall not constitute rules,  
31 regulations, orders, or standards of general application.

32 (c) For the purposes of the State General Obligation Bond  
33 Law, any department receiving an allocation from the  
34 Department of Finance is designated to be the “board.”

35 8879.28. Upon request of the board stating that funds are  
36 needed for purposes of this chapter, the committee shall  
37 determine whether or not it is necessary or desirable to issue  
38 bonds authorized pursuant to this chapter in order to carry out the  
39 actions specified in Section 8879.23, and, if so, the amount of  
40 bonds to be issued and sold. Successive issues of bonds may be

1 authorized and sold to carry out those actions progressively, and  
2 be sold at any one time. Bonds may bear interest subject to  
3 federal income tax.

4 8879.29. There shall be collected annually, in the same  
5 manner and at the same time as other state revenue is collected, a  
6 sum of money in addition to the ordinary revenues of the state,  
7 sufficient to pay the principal of, and interest on, the bonds as  
8 provided herein, and all officers required by law to perform any  
9 duty in regard to the collections of state revenues shall collect  
10 that additional sum.

11 8879.30. Notwithstanding Section 13340, there is hereby  
12 appropriated from the General Fund in the State Treasury, for the  
13 purposes of this chapter, an amount that will equal the total of the  
14 following:

15 (a) The sum annually necessary to pay the principal of, and  
16 interest on, bonds issued and sold pursuant to this chapter, as the  
17 principal and interest become due and payable.

18 (b) The sum which is necessary to carry out Section 8879.32,  
19 appropriated without regard to fiscal years.

20 8879.31. The board may request the Pooled Money  
21 Investment Board to make a loan from the Pooled Money  
22 Investment Account, in accordance with Section 16312, for  
23 purposes of this chapter. The amount of the request shall not  
24 exceed the amount of the unsold bonds which the committee has,  
25 by resolution, authorized to be sold for the purpose of this  
26 chapter, less any amount withdrawn pursuant to Section 8879.32.  
27 The board shall execute any documents as required by the Pooled  
28 Money Investment Board to obtain and repay the loan. Any  
29 amount loaned shall be deposited in the fund to be allocated in  
30 accordance with this chapter.

31 8879.32. For the purpose of carrying out this chapter, the  
32 Director of Finance may, by executive order, authorize the  
33 withdrawal from the General Fund of any amount or amounts not  
34 to exceed the amount of the unsold bonds which the committee  
35 has, by resolution, authorized to be sold for the purpose of  
36 carrying out this chapter. Any amounts withdrawn shall be  
37 deposited in the Safe Facilities, Improved Mobility, and Clean  
38 Air Bond Fund of 2005. Any money made available under this  
39 section shall be returned to the General Fund, plus the interest  
40 that the amounts would have earned in the Pooled Money

1 Investment Account, from money received from the sale of  
2 bonds which would otherwise be deposited in that fund.

3 8879.33. The bonds may be refunded in accordance with  
4 Article 6 (commencing with Section 16780) of the State General  
5 Obligation Bond Law. Approval by the electors of this act shall  
6 constitute approval of any refunding bonds issued pursuant to the  
7 State General Obligation Bond Law.

8 8879.34. Notwithstanding any provisions in the State General  
9 Obligation Bond Law, the maximum maturity of any bonds  
10 authorized by this chapter shall not exceed 30 years from the date  
11 of each respective series. The maturity of each series shall be  
12 calculated from the date of each series.

13 8879.35. The Legislature hereby finds and declares that,  
14 inasmuch as the proceeds from the sale of bonds authorized by  
15 this chapter are not “proceeds of taxes” as that term is used in  
16 Article XIII B of the California Constitution, the disbursement of  
17 these proceeds is not subject to the limitations imposed by that  
18 article.

19 8879.36. Notwithstanding any provision of the State General  
20 Obligation Bond Law with regard to the proceeds from the sale  
21 of bonds authorized by this chapter that are subject to investment  
22 under Article 4 (commencing with Section 16470) of Chapter 3  
23 of Part 2 of Division 4, the Treasurer may maintain a separate  
24 account for investment earnings, order the payment of those  
25 earnings to comply with any rebate requirement applicable under  
26 federal law, and may otherwise direct the use and investment of  
27 those proceeds so as to maintain the tax-exempt status of those  
28 bonds and to obtain any other advantage under federal law on  
29 behalf of the funds of this state.

30 SEC. 2. Section 1 of this act shall become operative upon  
31 adoption by the voters of the Safe Facilities, Improved Mobility,  
32 and Clean Air Bond Act of 2005, as set forth in Section 1 of this  
33 act.

34 SEC. 3. (a) Notwithstanding Sections 9040, 9043, 9044,  
35 9061, and 9094 of the Elections Code, or any other provision of  
36 law, the Secretary of State shall submit Section 1 of this act to  
37 the voters at the ~~November~~ June 6, 2006 election.

38 (b) The Secretary of State shall ensure the placement of  
39 Section 1 of this act on the ~~November~~ June 6, 2006 election  
40 ballot, in substantial compliance with any statutory time

1 requirements applicable to the submission of statewide measures  
2 to the voters at a statewide election.

3 (c) The Secretary of State shall include, in the ballot pamphlet  
4 mailed pursuant to Section 9094 of the Elections Code, the  
5 information specified in Section 9084 of that code regarding the  
6 bond act contained in Section 1 of this act.

7 SEC. 4. Notwithstanding any other provision of law, all  
8 ballots shall have printed thereon and in a square thereof, the  
9 words: “ Safe Facilities, Improved Mobility, and Clean Air Bond  
10 Act of 2005,” and in the same square under those words, the  
11 following in 8-point type: “This act provides for a bond issue of  
12 seven billion six hundred eighty-eight million dollars  
13 (\$7,688,000,000) to provide funds for an essential public works  
14 facilities retrofit program.” Opposite the square, there shall be  
15 left spaces in which the voters may place a cross in the manner  
16 required by law to indicate whether they vote for or against the  
17 act.

18 Where the voting in the election is done by means of voting  
19 machines used pursuant to law in the manner that carries out the  
20 intent of this section, the use of the voting machines and the  
21 expression of the voters’ choice by means thereof are in  
22 compliance with this section.

23 SEC. 5. This act is an urgency statute necessary for the  
24 immediate preservation of the public peace, health, or safety  
25 within the meaning of Article IV of the Constitution and shall go  
26 into immediate effect. The facts constituting the necessity are:

27 In order for this act to be submitted to voters at the earliest  
28 possible time, it is necessary for this act to take effect  
29 immediately.